

U.S. Patent Application No. 10/689,756  
Amendment dated September 21, 2007  
Reply to Final Office Action dated June 22, 2007

### **REMARKS/ARGUMENTS**

Reconsideration and continued examination of the above-identified application are respectfully requested.

By way of this amendment, claims 1-12 are pending. Support for the amendment can be found throughout the present application, including the figures as originally filed. Accordingly, no questions of new matter should arise and entry of this amendment is respectfully requested.

### **Telephone Interview with the Examiner**

The applicants appreciate the telephone interview with the Examiner on September 5, 2007, at which time proposed changes to the claims were discussed. In the interview, the differences between the claimed invention and the cited references were discussed in detail. The Examiner agreed that the distinctions being made over the White et al. and Arnarson et al. references would be helpful to distinguish over the cited art. The Examiner basically understood that in the claimed invention, the triggering action is followed by image capture, in contrast to image capture in the White et al. reference that is followed by downstream triggers (to remove defective pieces).

In the interview, the Examiner considered the proposed amendments and further indicated that these proposed amendments would not be entered in response to a final Office Action and indicated that a request for continued examination would need to be filed for consideration of these amendments. Thus, applicants have submitted a Request for Continued Examination along with this Amendment.

U.S. Patent Application No. 10/689,756  
Amendment dated September 21, 2007  
Reply to Final Office Action dated June 22, 2007

**Rejection of claims 1-12 under 35 U.S.C. §103(a) – White et al. in view of Arnarson et al.**

At page 5, item 2, of the Office Action, the Examiner essentially repeats the rejection of claims 1-6, and similarly rejects newly added claims 7-12, under 35 U.S.C. §103(a) as being unpatentable over White et al. (U.S. Patent No. 4,972,494) in view of Arnarson et al. (U.S. Patent No. 5,184,733). The Examiner continues to assert that White et al. discloses an image processing apparatus like the invention of claim 1, including a trigger receiving section to receive a trigger from the outside, and an image processing section for processing image pickup data picked up by the camera. Despite the distinctions pointed out in the response filed April 10, 2007, the Examiner maintains the belief that White et al. describes a "trigger" function like the claimed invention, which the Examiner asserts is provided by an optical part detector (147 in Fig. 1). The Examiner believes this detector transmits a "trigger" as recited in claim 1 to the computer (140). The Examiner again admits that White et al. does not disclose a trigger generation section for generating a predetermined number of internal triggers at predetermined intervals when the trigger receiving section receives the trigger from the outside, but again cites Arnarson et al. to show the generation of a predetermined number of internal triggers. This rejection is respectfully traversed.

The applicants do not agree with the Examiner's view of the White et al. reference. In the apparatus of White et al., the only images that are actually taken by that reference are taken by camera (12), which is located well upstream of the alleged source of the trigger action, namely, optical detector (147). The image-taking performed by the camera (12) can not be triggered by optical detector (147), since the optical detector (147) is downstream of the camera (12). The imaging of the passing package has, therefore, already taken place by the time detector (147) detects any passing object. Nevertheless, the Examiner continues to argue that the signal

U.S. Patent Application No. 10/689,756  
Amendment dated September 21, 2007  
Reply to Final Office Action dated June 22, 2007

(148) from optical detector (147) is the same thing as a "trigger from the outside," as recited in claim 1.

The Examiner further repeats the view that Arnarson et al. supplies a teaching of the generation of a "predetermined number of internal triggers," to cure the admitted lack of multiple internal triggers in White et al. However, there is no suggestion in Arnarson et al. of a predetermined, or any, number of internal triggers that are set off by receipt of an external trigger. Arnarson et al. instead merely appears to involve, and only describes, taking images of a passing food item (fish on a conveyor) at predetermined intervals. Arnarson et al. does not permit a user to set a definite number of repetitive triggers. Arnarson et al. instead describes the conveyor as operating continuously, as opposed to stopping after a certain number of triggers have been processed, or a certain number of items have been counted.

Claim 1 further recites a "trigger receiving section for receiving a trigger from an outside to initiate capture of the workpiece image pickup data by said camera." The detector (147) of White et al. does not in any way "initiate[s] capture of the workpiece image pickup data by said camera." The camera (12) of White et al. is not controlled by detector (147). Camera (12) is not triggered to "capture" a workpiece image by that detector. Nor is optical detector (147), itself, described as capable of capturing any "image," but instead only acts as a motion detector.

White et al. only shows a detection apparatus that is, essentially, backwards from the claimed invention- since in White et al., a package is imaged, then processed to detect a failed part, only after which a trigger is generated (by detector 147) to initiate the apparent removal of the object from the conveyor. In other words, in claim 1 the "trigger from the outside" precedes the imaging of the workpiece, while in White et al., the only "trigger" happens after the image of the package has already been taken.

U.S. Patent Application No. 10/689,756  
Amendment dated September 21, 2007  
Reply to Final Office Action dated June 22, 2007

For these reasons, the rejection should be withdrawn.

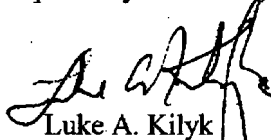
The Examiner is encouraged to contact the undersigned regarding the present application should there be any remaining issues with respect to the patentability of the present application.

### **CONCLUSION**

In view of the foregoing remarks, the applicant respectfully requests the reconsideration of this application and the timely allowance of the pending claims.

If there are any fees due in connection with the filing of this response, please charge the fees to our Deposit Account No. 50-0925. If a fee is required for an extension of time under 37 C.F.R. § 1.136 not accounted for above, such extension is requested and should also be charged to said Deposit Account.

Respectfully submitted,



Luke A. Kilyk  
Reg. No. 33,251

Atty. Docket No. 3140-015  
KILYK & BOWERSOX, P.L.L.C.  
400 Holiday Court, Suite 102  
Warrenton, VA 20186  
Tel.: (540) 428-1701  
Fax: (540) 428-1720